THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.25561 of 1998
Date: 11-06-2007

Between:
Naidu Narasimhaswamy

Petitioner

And
The Bapatla Education Society,Guntur,
rep. by it's President and others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.25561 of 1998

ORDER:

1. The present writ petition raises a controversy as to whether the first respondent society, which runs and manages the second respondent-degree college wherein the writ petitioner had been appointed as a Helper for spells of 89 days each on continuous basis, has terminated the services of the writ petitioner or the writ petitioner himself had stopped from reporting to duty on his own.

2. The writ petitioner has produced material to show that the first respondent society had been appointing the writ petitioner as a Helper in spells of 89 days each. According to the writ petitioner, this is a device created to avoid regular appointment in the college. However, in the counter affidavit filed on behalf of the respondents 1 and 2, it is alleged that it has come to the notice of the management of the college that the writ petitioner was indulging in certain acts which are subversive of discipline on the part of the employees of the organization as also subversive of ethics of the very institution. Therefore, the writ petitioner, so asserts the counter affidavit, had stopped reporting to duty on his own.

3. In proceedings instituted under Article 226, it is not normally possible to conduct a fact finding inquiry. Therefore, it is only appropriate that some agency or the other had to look in to the matter and try to resolve the impasse

between the petitioner on the one hand and the management of the college namely the first respondent on the other. Instead of keeping the writ petition pending any longer, it is appropriate to dispose of the same by directing the writ petitioner to submit a detailed representation before the third respondent – Regional Joint Director for Higher Education, Guntur, giving a full account of the circumstances according to which the writ petitioner had been stopped from reporting to duty or when he reported to duty how he was stopped from being entertained to duty by the first respondent or as asserted in the counter affidavit, whether the petitioner stopped on his own. Therefore, the writ petitioner shall file the necessary material together with his representation before the third respondent within a period 15 days from the date of receipt of a copy of this order and thereafter, the third respondent may conduct necessary enquiry by providing an opportunity to the respondents 1 and 2 herein to rebut the allegations of the petitioner. It is only appropriate to observe that the enquiry deserves to be conducted as expeditiously as possible within a period of three months from the date of receipt of the representation by the writ petitioner.

3. With this, the writ petition is disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

11-06-2007

Note: C.C. in one week
B/o.
Stp